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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

JERRY D. OLDS
State Engineer/Division Director

STATE OF UTAH

DIVISION OF WATER RIGHTS

IN THE MATTER OF:

Cottonwood-Gooseberry Irrigation Co.
PO BOX 425
Fairview, Utah 84629

CONTROL STRUCTURE NOTICE

No. SEAA 1279

TO: Cottonwood-Gooseberry Irrigation Co.

Robert Davis, water commissioner, has indicated he is unable to regulate the flows at the transmountain diversion near Fairview Lakes (WR 91-738) because of the lack of an operable control structure. The hand wheel on the bypass gate is broken. Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

*(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, each person using water in this state shall construct or **install and maintain controlling works** and a measuring device at:*

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(5) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

Therefore, you are hereby notified that the bypass gate at your diversion must be restored to an operable condition. This improvement must be completed prior to October 15, 2008. We recommend that you speak with the commissioner should you require more detailed information regarding the required repair.

SCANNED



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Your diversion will be inspected for compliance. If it is not in compliance, an enforcement action, in accordance with Section 73-2-25 and 26 Utah Code Annotated, 1953 as amended, will be commenced including administrative fines and penalties. If such an order is issued, the bypass diversion will be tagged and opened by the water commissioner. The bypass will remain open until compliance is achieved.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact me by phone at 801-538-7431 or by e-mail at SusanOdekirk@Utah.Gov or Marc Stilson, Regional Engineer, by phone at 435-637-1303 or by e-mail at MarcStilson@Utah.Gov.

Dated this 9th day of September, 2008

Susan Odekirk

Susan Odekirk, P.E.
Distribution Engineer

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PS Form 3800	City, State, ZIP	Street, Apt. N	Recipient's I	Total Post	Return (Endorsement) Restricted (Endorsement)	Return (Endorsement)	U.S. CEP (Domestic)
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cc: Marc Stilson, Regional Engineer
Kerry Carpenter, Enforcement Engineer
Robert Davis, Water Commissioner

SCANNED